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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,267	01/12/2001	Shimon G. Ziv-el	260198.90127	2649

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EXAMINER

HARRIS, CHANDA L

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 05/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/760,267

Applicant(s)

ZIV-EL ET AL.

Examiner

Chanda L. Harris

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 January 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☒ Claim(s) 1,18,23,26 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1, 18, 23, 26-27 are objected to because of the following informalities:  
While Applicant is entitled to be his or her own lexicographer, Applicant needs to provide an explicit definition with the first use of the acronym "URL" (e.g. URL (Universal Resource Locator). Appropriate correction is required.
2. Claims 1,23,26-27 are objected to because of the following informalities:  
Applicant needs to begin each claim with an article (e.g. "A networked teaching ..."). Generally, claims do not begin with prepositions (e.g. "In"). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 2 recites the limitation "the Internet" in line 2. There is insufficient antecedent basis for this limitation in the claim.
2. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. What does Applicant mean by "through with the Internet?" Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

**Claims 1-2, 4-12, 14, 16-24, 26-28, and 30-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Ziv-EI (US 6,302,698 B1).**

1. [Claims 1, 4, 9, 16, 18-19, 23, 26-27,30]: Regarding Claims 1, 4, 9, 16, 18-19, 23, 26-27, and 30, Ziv-EI discloses at least one data storage server for storage of lessons, said lessons including exercises having URL's, questions, and multi-character answers; wherein the student computer includes program instructions (i.e. frame) for displaying the Web page by referring to the URL received with the question, and for immediately transmitting each character resulting from an input on the student computer, to the response server; further comprising comparison and evaluation logic for comparison and evaluation logic for comparison and evaluation of the character with a homologous character of at least one answer to the question; and wherein the teacher's computer includes program instructions for the teacher's screen to be contemporaneously responsive to the character from the student keystroke and to the result of the

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comparison and evaluation. See Col.4: 10-15, Col.8: 33-37, Col.11: 19-24, and Col.18: 39-42. Ziv-EI discloses a response server in communication with the student computers for processing student responses. See Col.7: 43-51. Ziv-EI discloses Web browsers on the teacher's computer and the student computers for communicating through a Web server in response to URL's received from the teacher and student computers. See Col.7: 61-65 and Col.8: 3-11, 33-37. Ziv-EI discloses wherein a teacher's computer and the students' computers include program instructions responsive to inputs to cause an exercise, including a Web page relating to a URL, to be displayed on the screen of at least one of the student computers: See Col.8: 53-58.

2. [Claims 2,24,28]: Regarding Claims 2,24, and 28, Ziv-EI discloses wherein the teacher and the students communicate through an Internet. See Col.3: 66-Col.4: 9.

3. [Claims 5-6,10,31-32,35]: Regarding Claims 5-6,10, 31-32, and 35, Ziv-EI discloses wherein the teacher's computer includes program instructions for selecting a student response on a screen for display on the student computers and wherein the teacher's computer is immediately responsive to the aggregate of correct and incorrect student responses. See Col.6: 51-59.

4. [Claim 7]: Regarding Claim 7, Ziv-EI discloses wherein the teacher's computer includes program instructions responsive to teacher inputs to cause a Web page to be previewed on the screen of the teacher's computer by retrieval from the data storage server. See Col.17: 41-50.

5. [Claims 11,34]: Regarding Claims 11 and 34, Ziv-EI discloses wherein the teacher's computer includes program instructions for selecting a student response on

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the screen of the teacher's computer and subjectively modifying the score resulting from operation of the comparison and evaluation logic on response data received from at least one of a plurality of student computers. See Col.4: 10-15.

6. [Claims 12, 22]: Regarding Claims 12 and 22, Ziv-El discloses wherein the plurality of student computers are immediately responsive to the result of the comparison and evaluation logic through a feedback signal receivable at each of the plurality of student computers. See Abstract and Col.4: 24-26.

7. [Claim 14]: Regarding Claim 14, Ziv-El discloses wherein at least one of the plurality of student computers has a screen which displays a separate response text box and an explanation text box; and wherein the comparison and evaluation logic is responsive to inputs to the two respective text boxes to distinguish between inputs to the respective text boxes. See Col.12: 40-43 and Col.19: 30-62.

8. [Claims 8,17,33]: Regarding Claims 8,17, and 33, Ziv-El discloses wherein the screen of the teacher's computer is immediately responsive to a Web link (i.e. URL) selected on the screen of the student computer. See Col.18: 39-48.

9. [Claim 20]: Regarding Claim 20, Ziv-El discloses wherein the exercise includes a question and a multi-character correct answer and the question is communicated with the URL to each of the plurality of student; and wherein the student responses are compared and evaluated against the correct answer, and where the appearance of each response to the teacher is associated with the correctness of the response. See Col.6: 51-57 and Col.18: 39-48.

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10. [Claim 21]: Regarding Claim 21, Ziv-El discloses wherein the correctness of a response can be overridden by the teacher pointing to the response and arbitrarily assigning a score to the response using a dialog box. See Col.4: 10-15.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3, 25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ziv-El in view of Pelligrino et al. (US 6,149,441).**

[Claims 3, 25, 29]: Regarding Claims 3, 25, and 29, Ziv-El does not disclose expressly wherein the teacher and the students communicate through an Intranet. However, Pellegrino teaches such in the Abstract. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate into an Intranet into Ziv-El for to provide local are network connectivity. Intranet is a predecesoor to Internet with regards to network technology and is also well-known in the art as to its implementations.

**Claims 13 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ziv-El in view of Shende et al. (US 6,341,212).**

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[Claims 13, 36]: Regarding Claims 13 and 36, Ziv-El does not disclose expressly wherein the student computers display a window displaying at least one Web page and a question concerning the Web page. However, Shende teaches such in the Abstract, Col.2: 31-42, and Col.3: 50-59. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate into Ziv-El a web page and a question concerning a web page to measure analytical and technology application skills.

**Claims 15 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ziv-El.**

[Claims 15,37]: Regarding Claims 15 and 37, Ziv-El does not disclose expressly wherein the teacher's computer includes program instructions responsive to teacher inputs to cause a Wait mode message to be sent to at least one student computer to block access to the response server. However, he teaches such in Col.2: 5-28. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate into Ziv-El a Wait mode message to give students a predetermined time in which to respond to questions.

#### ***Citation of Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Fontana et al. (US 6,361,326)



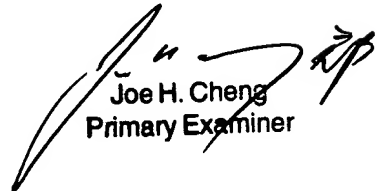
- instructing thinking skills
- Rtischev et al. (US 6,302,695)
  - language training
- Freeman et al. (US 6,301,462)
  - online collaborative apprenticeship
- Miles et al. (US 6,102,406)
  - internet-based scavenger hunt
- Mishkin (US 6,377,781)
  - computer-based quiz

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

  
Joe H. Cheng  
Primary Examiner

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Chanda L. Harris  
Examiner  
Art Unit 3714

*Ch.*

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May 17, 2002